

IRISH EDUCATION ACT, 1892 (COMPULSORY EDUCATION).

RETURN to an Order of the Honourable The House of Commons,
dated 13 February 1894;—for,

RETURN "of Copy of Correspondence between the Commissioners of National Education in Ireland and the Irish Government on the Subject of the Difficulties experienced by the Commissioners in bringing into operation 'The Irish Education Act, 1892.'"

(*Mr. John Morley.*)

*Ordered, by The House of Commons, to be Printed,
13 February 1894.*

L O N D O N :

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RETURN of Copy of Correspondence between the Commissioners of National Education in Ireland and the Irish Government on the Subject of the difficulties experienced by the Commissioners in bringing into operation the Irish Education Act, 1892.

(R.O.—30 January 1894.)

National Education Office, Dublin,
31 January 1894.

Sir,

THE Commissioners of National Education direct us to forward the accompanying Minute passed at the Board's meeting on yesterday on the subject of the difficulties experienced by them in bringing into operation the Irish Education Act, 1892, 55 & 56 Vict. c. 42, which they submit for the consideration of Her Majesty's Government.

We have, &c.
(signed) J. C. Taylor,
W. R. Molloy,
Secretaries.

The Right Honourable John Morley, M.P.,
Dublin Castle.

MINUTE of the Commissioners upon the appointment of "School Attendance Committees," submitted for the consideration of the Chief Secretary to the Lord Lieutenant.

IN consequence of the difficulties which the Commissioners of National Education have experienced in bringing the Irish Education Act, 1892, into operation, and the observations upon their action which have been made in Parliament and elsewhere, they think it necessary to submit the following Minute for the consideration of Her Majesty's Government.

The object of the Act is to secure the attendance at school of all children within the prescribed limits of age, "unless there is a reasonable excuse for non-attendance." Sec. 1 (1).

The Act applies only to municipal boroughs or towns or townships under Commissioners, and "the Council or Commissioners of the place" are, in each instance, "the Local Authority" for the purposes of the Act. There are in Ireland, in all, 118 places to which the Act applies. In 88 of these places the Local Authority has taken action under the Act; but in the remaining 30 places, for various reasons, nothing effectual has yet been done to bring the Act into operation. Sec. 15 (1).

Dublin, Cork, Limerick, Waterford, and other most important places are among those in which the Act is as yet in abeyance.

The Act, Sec. 3, Sub-sec. (4), purports to empower the Commissioners to exercise any power and perform any duty imposed on a local authority by the preceding part of the same section, in the event of such authority, after warning and reasonable notice, failing so to do. Sec. 3 (4).

But the succeeding Sub-section (5) of Section 7, which provides that the expenses of school attendance committees and their officers "shall be defrayed by the Local Authority out of the local rate," and the subsequent Section 15, Sub-section (2), which relates only to "any County Council which may be established" under future legislation, are the only provisions to be found in the Act for defraying the expenses attending its execution. There is therefore no provision enabling the Commissioners to defray the expense of any action which they might endeavour to take upon default on the part of a local authority. They have no power to compel any local authority to exercise its powers or to perform its duties; and they also have reason to believe that, in many places to which the Act applies, there is no rate or fund which answers to the description of "the local rate" with sufficient certainty to justify the Commissioners in taking it on themselves to appoint a committee which would necessarily incur expenses which might prove irrecoverable.

In those places in which the local authorities have taken action, other difficulties have arisen, owing chiefly to the provisions of Section 3 (1), and to the proceedings of the local authorities under those provisions. In appointing school attendance committees, the local authority in each place has the sole and uncontrolled power of fixing the number of the committee at six, eight, or ten, and also has the sole power of making "regulations as to the time, and mode of appointment of the committee, and the conduct of their proceedings." Such regulations, when made, are "subject to the approval of the Commissioners"; but, the Commissioners have no power to prescribe or originate regulations, nor to require the local authorities to make any particular regulation, nor can any regulation be made under the Act except as to the prescribed subjects, which in the opinion of the Commissioners did not include the composition of the committees, or the qualifications of their members, which are specifically provided for by the Act, in the following terms: "One-half shall be appointed by the local authority, and the remainder by the Commissioners, and not less than one-half shall, where such persons are available, be managers or patrons of schools in the place." The Commissioners, in April 1893 and subsequently, called the attention of the local authorities to the provisions of the Act, specially quoting the third and fifteenth sections, and called upon them to carry out the requirements of the law. The Commissioners were of opinion that the direction as to the appointment of managers or patrons was equally binding upon the local authorities and upon themselves, and they submit that, as the Act stands, the duty of electing the prescribed number of patrons or managers, where available, and the responsibility for disregarding this provision, cannot be exclusively thrown upon one only of the appointing authorities. The Commissioners have always been, and they are, ready to co-operate with the local authorities in providing for the appointment of the prescribed proportion of managers or patrons, where available, but the action of the local authorities has, in several cases hitherto been such as to render it impossible for the Commissioners to give effect, through their appointments alone, to this direction in the Act, with constituting the attendance committees in a way which would be both unjust and fatal to their efficiency. Londonderry may be taken as an example, though there are many similar cases. The local authority fixed the number of the school attendance committee at ten, and appointed five members, all of whom were Protestants, and none of whom were managers or patrons. The proportion of the population who were Roman Catholics was 55·2. Similar action in other places led to strong remonstrances being addressed to the Commissioners, who were called upon to do justice in the matter, which was stated to involve the peaceful and harmonious working of the Act, and interests of conscience which could not be compromised. In Londonderry only three Roman Catholic managers or patrons were available, and if the Commissioners were obliged to confine their five nominations to patrons or managers, the result would have been the appointment of a committee upon which more than 55 per cent. of the population would have been represented by only 30 per cent. of the Committee. There are several places in which there is only one manager or patron belonging to a numerous denomination, and there are some places in which there is no manager or patron belonging to a denomination which is entitled to representation. The Commissioners believe that the result of throwing the obligation to appoint managers or patrons entirely upon the commissioners, under such circumstances, must be to prevent the committees, when appointed, from proving efficient for any purpose except that of provoking sectarian animosity. The duties and discretion entrusted to these committees include the decision whether non-national schools are "efficient," whether children not attending school are "receiving suitable elementary education in some other manner"; whether the excuses made for the non-attendance of children are "reasonable"; whether in each case of default in attendance "it is inexpedient" to take proceedings, and the like; and if the decision of such questions is exclusively entrusted to members of one religious denomination, or even in a committee upon which each denomination has not a fair representation, the results must be most injurious.

The Commissioners felt that they could not make themselves parties to the constitution of the committees to whom such delicate powers were entrusted in a manner calculated to create just dissatisfaction. They thought that the provision that managers or patrons shall be appointed only "where such persons are available," left them at least the discretion, where other vital considerations arose, even apart from their contention the local authorities were equally bound to obey the Act. They have in each case considered whether they could appoint the prescribed proportion of managers or patrons, and they have done so except where their doing so would ignore other and vital interests and would, in the judgment of the Commissioners, render it impossible for the committee

mittee to carry out its functions by depriving it of the public confidence and support essential to its efficiency.

The Commissioners think it right to state that, throughout all the discussions and considerations which have taken place at their board upon this subject, including the adoption of this Minute, they have been unanimous, and there has been no division of opinion among them as to the constitution of any school attendance committee, or even as to the selection of the members.

They are distinctly of opinion that no further steps can be taken, with any advantage, to enforce the provisions of the Act, or bring it into more general operation; until its provisions have been so amended as to remove the difficulties above indicated, with others which a careful perusal of the Act will at once suggest.

Chief Secretary's Office, Dublin Castle,
1 February 1894.

My Lords and Gentlemen,

I HAVE to acknowledge the receipt of the Minute passed at the meeting of the Board on 30th January, stating the difficulties already experienced in bringing into operation the Irish Education Act, 1892, and pointing to others "which a careful perusal of the Act will at once suggest."

The subject shall at once receive the consideration from Her Majesty's Government which its great importance demands, and they will adopt whatever measures may seem most expedient to remedy the defects in the Act of 1892 to which you draw their attention.

The Commissioners of
National Education in Ireland.

I have &c.
(signed) *John Morley.*

National Education Office, Dublin,
8 February 1894.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 1st instant, and to state that having submitted it to the Commissioners of National Education they direct me to thank you for your courteous expression of the intention of Her Majesty's Government to remedy the defects in the Irish Education Act, 1892.

I have, &c.
(signed) *J. C. Taylor,*
Secretary.

The Right Honourable John Morley, M.P.,
Dublin Castle.